

U.S. Application No. 09/937,163
Reply to Office Action Mailed June 6, 2003

REMARKS

In response to the present Office Action, the Applicant sets forth the following amendments and remarks. Claims 16 – 28 were pending in the application. The Applicant has amended claims 16 - 27. Claims 29 and 30 have been newly added. As a result, claims 16 - 30 are pending in the present application. The Applicant respectfully requests further examination of the application in light of the accompanying remarks.

Various Objections and Rejection of Claims 16 – 28 Under 35 U.S.C. 112

The Examiner has set forth multiple objections and rejections as referenced above. The Applicant has amended pertinent portions of the specification and claims 16 – 27. The Applicant kindly asserts that the objections and rejections are moot in light of the present amendments.

Rejection of Claims 16, 17, 27, and 28 under 35 U.S.C. 102(b)

The Examiner has rejected claims 16, 17, 27, and 28 under 35 U.S.C. §102(b) as being anticipated by Nakajima (U.S. Patent No. 4,516,382). The rejection is respectfully traversed.

The Applicant respectfully asserts that Nakajima does not disclose all of the elements of the claimed present invention. For example, Nakajima does not claim the attachment of a tear-off strip while the package sleeve is on the mandrel of a mandrel wheel. Despite the clear teaching of Nakajima to describe the various stations for folding and sealing to form and fill a carton, Nakajima

U.S. Application No. 09/937,163
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does not provide any teaching to indicate when a tear-off strip might be applied.

In contrast, the Applicant specifically claims as the inventive step in the claimed method of the present invention the integration of applying the tear-off strip (or a pouring element) with a filling machine.

At least in this regard, the Applicant contends that Nakajima does not disclose every element and limitation of the claimed present invention. As a result, the Applicant respectfully asserts that the outstanding rejections of claims 16, 17, 27, and 28 may be properly withdrawn.

Rejection of Claims 21, 22, 24, and 25 under 35 U.S.C. 103(a)

The Examiner has rejected claims 21, 22, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over Nakajima (U.S. Patent No. 4,516,382) in view of Watanabe (U.S. Patent No. 4,986,859). The rejection is respectfully traversed.

The Applicant respectfully asserts that Nakajima in view of Watanabe does not disclose all of the elements of the claimed present invention. As discussed above, neither Nakajima nor Watanabe discuss the integration of applying a tear-off strip (or a pouring element) with a filling machine. At least in this regard, the Applicant respectfully asserts that Nakajima in view of Watanabe would not render the claimed present invention as obvious. As a result, the Applicant respectfully asserts that the outstanding rejections of claims 21, 22, 24, and 25 may be properly withdrawn.

U.S. Application No. 09/937,163
Reply to Office Action Mailed June 6, 2003

Rejection of Claims 20, 23, and 26 under 35 U.S.C. 103(a)

The Examiner has rejected claims 20, 23, and 26 under 35 U.S.C. §103(a) as being unpatentable over Nakajima (U.S. Patent No. 4,516,382). The rejection is respectfully traversed.

The Applicant respectfully asserts that Nakajima does not disclose all of the elements of the claimed present invention. As discussed above, Nakajima discuss the integration of applying a tear-off strip (or a pouring element) with a filling machine. At least in this regard, the Applicant respectfully asserts that Nakajima would not render the claimed present invention as obvious. As a result, the Applicant respectfully asserts that the outstanding rejections of claims 20, 23, and 26 may be properly withdrawn.

Allowable Subject Matter

The Examiner has indicated that claims 18 and 19 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph and to include all of the limitation of the base claims and any intervening claims.

The Applicant appreciates the Examiner's acknowledgment of allowable subject matter. As a result, the Applicant has added new claims 29 and 30 in accordance with the form as suggested by the Examiner.

U.S. Application No. 09/937,163
Reply to Office Action Mailed June 6, 2003

CONCLUSION

A marked up version of the abstract has been submitted to show the changes made relative to the originally submitted abstract. A marked up section of the disclosure has been submitted to show the changes made relative to the originally submitted disclosure. Claims 16 – 28 were pending in the application. The Applicant has amended claims 16 – 27. Claims 29 and 30 have been newly added. As a result, claims 16 - 30 are pending in the present application. The Applicant respectfully requests further examination of the application in light of the accompanying remarks.

Respectfully submitted,

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